

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker)	
)	
v.)	Civil Action # 11-CV-421-PB
)	
New Hampshire Administrative Offices of)	
the Courts, et al.)	

**PLAINTIFF'S MOTION TO STAY DISMISSAL
PENDING FINALIZING APPROVAL OF SETTLEMENT**

NOW COMES the Estate of Michele M. Walker – Charles E. Walker, Administrator, Plaintiff, by and through its attorney, Law Office of Leslie H. Johnson, PLLC, and respectfully submits Plaintiff's Motion To Stay Dismissal Pending Finalizing Approval of Settlement, and in support thereof states as follows:

1. The parties entered into private mediation, which was held on May 6, 2013.
2. Counsel for Plaintiff notified the Court, by calling the clerk assigned to the case, that the parties had reached a tentative settlement, however it was contingent on further outside approvals. The outside approval that is necessary includes discussion with third parties, but primarily, approval of the New Hampshire Department of Labor.
3. The Court then issued the dismissal of the motion for summary judgment without prejudice, and gave the parties until June 5th to file a stipulation of dismissal.
4. Completing the paperwork, including obtaining the approval of the NH Department of Labor is still pending. The parties anticipate they can complete same by July 6, 2013, but will endeavor to do so as soon as possible.
5. Parties will file a Stipulation of Dismissal if settlement of the workers' compensation case is approved, and as soon as possible after approval of the proposed lump sum settlement. If that portion of the settlement is not approved, the parties may request the Court to

return the case to the trial calendar.

6. Plaintiff requests the Court stay its ruling on Defendant's Motion for Summary Judgment, continue trial scheduled for July 2013, and stay all other proceedings pending approval of lump sum settlement, or notice from the parties that the settlement has not been consummated.

7. Defendant's counsel has been contacted and assents to this Motion.

8. No memorandum of law is necessary as the granting of this motion is within the Court's discretion.

WHEREFORE, Plaintiff, respectfully requests this Honorable Court:

A. Stay the final dismissal of this matter until July 6, 2013, to allow the parties to consummate the tentative settlement;

B. If the workers' compensation settlement is not approved, the parties will apprise the Court and request an adjusted date for Defendant's response to Plaintiff's Objection to Summary Judgment Motion as well as a new trial date; and

C. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,
ESTATE OF MICHELE M. WALKER, Plaintiff
By its attorney,

Date: June 4, 2013

By: /s/ LESLIE H. JOHNSON
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CERTIFICATION

I hereby certify that on this 4th day of June 2013, copy of this Motion was electronically served through ECF on the following counsel: Mary Ann Dempsey, Esquire, and Lisa English, Esquire, Counsel for Defendants.

/s/ LESLIE H. JOHNSON
Leslie H. Johnson, Esquire